

Clarence Board of Appeals Minutes  
Tuesday, August 9, 2005  
7:00 PM

Ronald Newton, Chairman, called the meeting to order at 7:00 PM.

Board of Appeals members present were:

Ronald Newton  
Raymond Skaine

John Brady  
Arthur Henning

Board of Appeals members absent:

Eric Heuser

Other Town officials present were:

James Callahan

Jim Hartz

Other Interested Parties Present:

Mark Ziembra

Kris Holden

Motion by Raymond Skaine, seconded by Arthur Henning, to approve the minutes of the meeting held on July 12, 2005, as written.

ALL VOTING AYE. MOTION CARRIED.

**Appeal No. 1**

Mark Ziembra  
Residential Single Family

Requests the Board of Appeals approve and grant two (2) variances at 8290 Stahley Road for:

1. construction of a second detached garage; and
2. a 240 sq. ft. variance to allow for the construction of a 960 sq. ft. accessory building.

Discussion:

Mark Ziembra explained to the Board that he will be moving a house from Transit Road to his property and would like to build the detached garage within the next few months. Mr. Newton asked him why the garage needed to be so large. Mr. Ziembra replied

that he feels it is relative to the size of his property. He said he was also planning to request a variance for an even larger structure. The manufacturer that he has chosen does not produce a building smaller than 30 by 40. This new structure would be an additional 240 feet. He has been advised by his architect to use a steel frame structure. Not many manufacturers will make anything smaller than a 30 by 40 structure because the freight is part of the cost. He added that his property is .8 acres.

Mr. Skaine asked, again, why he needed such a large structure. Mr. Ziembra replied that most of the homes in his area have three car garages with a shed, and he would just like to have one structure for storage. He said he doesn't have the option of an attached structure. Mr. Newton said that 1,200 sq. feet is very large for a detached structure; it is the size of a home for some people. Mr. Ziembra said that if his property hadn't been rezoned to single family residential, then "we wouldn't be having this conversation." He said he would like to build this structure and not have to come back for a variance for another additional structure. He said he works for Russell's Tree Farm and he plans to completely landscape the structure so that it is not an eyesore. He said he is trying to be considerate of everyone around him during every step of this process.

Mr. Skaine asked him if would have any problem with the landscaping requirement being part of the motion to approve this variance. Mr. Ziembra said he would have no problem with it.

Arthur Henning asked Mr. Ziembra how big the house would be. He replied that the footprint of the house is 52.26 by 23.2 square feet, with a slight addition in the middle. The house is being brought over in two pieces. The final square footage of the house will be 2,460 square feet.

The Board discussed whether the variance could be approved tonight. It was noted that the additional size had to be advertised. The originally requested variance of 240 feet would now be 480 feet.

Mr. Newton asked for clarification regarding what would be stored in the 1,200 sq. foot structure. Mr. Ziembra said that he would like to store two vehicles and eventually a trailer and landscaping equipment. He said he is involved with a mowing crew. He also has a pop-up camper, a John Deere tractor and a motorcycle. Mr. Newton asked if he was planning on 'working' out of the garage. Mr. Ziembra said that it would be minimal. Mr. Newton asked if that could be done, and Jim Callahan and Jim Hartz both responded that it could be done as long as there are no employees parking their cars and taking equipment out of the garage.

Mr. Ziembra asked why the variance had to be advertised. Mr. Newton responded that it is a legal matter and his neighbors have a right to complain.

Action:

Motion by Ray Skaine, seconded by Arthur Henning to approve Appeal No. 1, as written, with the condition that the petitioner provide an adequate berm and appropriate landscaping to shield the facility from neighbors on the back and sides.

ALL AYES. MOTION CARRIED.

**Appeal No. 2**

Miosi Builders  
Residential Single Family

Requests the Board of Appeals approve and grant a twelve inch (12") variance, creating a first floor elevation of five feet (5') above the crown of the road at 9737 Cobblestone Court.

With no one present to represent this request, a motion was made by Ray Skaine, seconded by Arthur Henning to TABLE Appeal No. 2.

**Appeal No. 3**

Gary Dulski  
Ag Rural Residential

Requests the Board of Appeals approve and grant a three foot (3') variance to allow a twelve foot (12') setback at 10625 Clarence Center Road.

With no one present to represent this request, a motion was made by Ray Skaine, seconded by Arthur Henning to TABLE Appeal No. 3.

**Appeal No. 4**

Kristopher Holden  
Residential Single Family

Requests the Board of Appeals approve and grant a variance to allow a second garage on the property at 4775 Ransom Road.

Discussion:

Kristopher Holden explained to the Board that his present garage is an eyesore. The walls are shifting in every direction. It also has a basement. He wants to add an attached garage to his house for vehicles and lawn equipment. He would also like to put up a second garage because he has two classic cars that have been in his family for many years. Presently, his home does not have an attic or a basement, so he has very little storage area. Mr. Holden explained that he has removed the Boyd Road driveway. It was stated that the garage would be a two car with a side-load door facing north. The siding for both garages would match the house. The cages for the dogs will stay.

Arthur Henning asked if they had requested a variance previous to tonight. Mr. Holden said that he had requested a variance for a fence for their dogs, but it was not approved. They put up a 4-foot fence instead of a 6-foot.

Mr. Brady asked if Mr. Holden had spoken to his neighbors. Mr. Newton stated that the neighbor notifications were in the file. Mr. Holden indicated that his neighbors have been very supportive of his improvements.

Mr. Holden showed the Board pictures of the existing house and where the roofline would extend to the attached garage. He also showed where the second garage would be located.

Action:

Motion by Ray Skaine, seconded by Arthur Henning to approve Appeal No. 4, as written.

ALL AYES. MOTION CARRIED.

Meeting adjourned at 8:05 P.M.  
Ronald Newton, Chairman